

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Terrence Montgomery,

Plaintiff,

vs.

Granite Bay Acceptance, et al.,

Defendants.

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Case No. 13-cv-2798 (MJD/JJK)

**Capital One and Discover's Joint  
Partial Motion to Dismiss Counts  
I, II, VI, and VII of Montgomery's  
Complaint**

Defendants Capital One Bank (USA), N.A. ("Capital One") and Discover Bank ("Discover"), incorrectly named in the Complaint as "Discover Bank Account RE" and "Discover Financial Services LLC", move this Court under Federal Rule of Civil Procedure 12(b)(6) for an order dismissing Counts I, II, VI, and VII of Plaintiff Terrence Montgomery's ("Montgomery") Complaint with prejudice. A more particular statement of the grounds for this motion will be set forth in the Memorandum of Law in Support of Capital One and Discover's Joint Partial Motion to Dismiss Counts I, II, VI, and VII of Montgomery's Complaint, which is filed and served with this motion.

Dated: November 15, 2013

s/ Aaron P. Knoll

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